

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, August 6, 2013, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman John Clark
Alderman Colette George
Vice-Mayor Mike McIntire

Alderman Tom C. Parham
Alderman Tom Segelhorst
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager
J. Michael Billingsley, City Attorney
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Devin White.
- II.B. **INVOCATION:** Ed Clevinger, Pastor – Grace Covenant Church.
- III. **ROLL CALL:** By City Recorder Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Parham/Segelhorst, to approve minutes for the following meetings:

- A. July 22, 2013 Regular Work Session
- B. July 23, 2013 Regular Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing and Consideration of Ordinance to Amend Zoning of Parcels 60.10, 61.20, 63.10, 97, and 97.10, Tax Map 119, Located off Fordtown Road and Kendrick Creek Road in the 14th Civil District of Sullivan County (AF: 214-2013).** City Planner Ken Weems gave a brief presentation on this item.

PUBLIC COMMENT ON ITEM VI.AA.1. None.

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Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG FORDTOWN ROAD AND TRI-CITIES XING TO TA/C, TOURIST ACCOMMODATION/ COMMERCE DISTRICT IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Primrose Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 216-2013). City Planner Corey Shepherd presented details on this item.

PUBLIC COMMENT ON ITEM VI.AA.2. None.

Motion/Second: McIntire/Clark, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 12TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE PRIMROSE ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG PRIMROSE STREET TO R-1B, RESIDENTIAL DISTRICT IN THE 12TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2014-028, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE PRIMROSE ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. Ms. Mary McNabb commented on Item VI.B.1 on behalf of the residents who live downtown and the concerns they have on this issue. Mr. Verlin Droke commented on the city mowing a right-of-way near his residence. Mr. Baxter Hood also commented to the Board in support of Mr. Droke.

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B. BUSINESS MATTERS REQUIRING FIRST READING.

1. **Consideration of an Ordinance to Amend the Code of Ordinances, City of Kingsport, Tennessee, Division 2, Section 98-231; and to Fix the Effective Date of this Ordinance (AF: 221-2013).** Mayor Phillips summarized this change would eliminate the tier structure for parking fines downtown to a flat fee. Planning Manager Tully provided further details on this item. There was considerable discussion as to how this change would affect downtown residents. Ms. Tully recommended moving forward with this item with the understanding the BMA will continue to address the concerns with the residents. City Attorney Billingsley stated this ordinance needs to be changed by deleting the reference to subsection b in the title and the first sentence as this will replace the whole section. Furthermore, the last paragraph should also be deleted that states "Notwithstanding anything to the contrary herein, if an offender has failed to pay such fine for any prior conviction under this section, any subsequent conviction, for the purposes of levying a fine, shall be treated as an additional offense, until all such fines are fully and finally paid." Alderman George made a motion to amend the ordinance to reflect these changes and the motion was seconded by Alderman Segelhorst. All present voting "aye."

Motion/Second: Parham/McIntire, to pass as amended:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, DIVISION 2, SECTION 98-231; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. **Consideration of Ordinance to Amend Zoning of Parcels 19, 20, 22, 23, 24, 24, 25, 26, 27, 28, 28, 29, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, and 48, Tax Maps 45B and 45G, Located Off Brookhaven Drive in the 12th Civil District of Sullivan County (AF: 209-2013).**

Motion/Second: McIntire/Segelhorst, to pass:

ORDINANCE NO. 6338, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG BROOKHAVEN DRIVE TO R-1C, RESIDENTIAL DISTRICT IN THE 12TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, George, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

D. OTHER BUSINESS.

1. **Consideration of a Resolution to Accept Deeds of Easement for Various City Projects (AF: 213-2013).**

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Motion/Second: George/Segelhorst, to pass:

Resolution No. 2014-029, A RESOLUTION TO ACCEPT DEEDS, DEEDS OF EASEMENT, AND OTHER MUNIMENT OF TITLE FROM THE VARIOUS PROPERTY OWNERS AND OTHERS HAVING AN INTEREST IN PROPERTY AS HEREINAFTER SET OUT, CONVEYING TO THE CITY OF KINGSFORT, A MUNICIPAL CORPORATION OF THE STATE OF TENNESSEE, TITLE TO THE PROPERTY DESCRIBED IN SUCH DEEDS, DEEDS OF EASEMENT, AND OTHER MUNIMENT OF TITLE, LOCATED IN THE 10TH, 11TH, 12TH AND 13TH CIVIL DISTRICTS OF SULLIVAN COUNTY, TENNESSEE

Passed: All present voting "aye."

2. Consideration of a Resolution Awarding the Bid for the Purchase of One (1) Tandem Axle Crane and Body Equipped Truck to Smoky Mountain Truck Center, LLC (AF: 215-2013).

Motion/Second: Shupe/Parham, to pass:

Resolution No. 2014-030, A RESOLUTION AWARDED THE BID FOR THE PURCHASE OF A TANDEM AXLE CRANE AND BODY EQUIPPED TRUCK TO SMOKY MOUNTAIN TRUCK CENTER, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

3. Consideration of a Resolution Approving a Purchase Agreement with Press Commons, LLC and Authorizing the Mayor to Execute the Same (AF: 223-2013). City Manager Campbell stated the purchase has been previously approved, noting this property was part of the green space around the carousel.

Motion/Second: George/Parham, to pass:

Resolution No. 2014-031, A RESOLUTION APPROVING A PURCHASE AGREEMENT WITH PRESS COMMONS, LLC, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

4. Consideration of a Resolution Amending a Lease and an Agreement with KEDB (AF: 219-2013). Mayor Phillips pointed out this would be the final step in the winery project and grants a two year extension since the city was behind on the project. This extension will allow our lease and KEDB's lease to be the same.

Motion/Second: Segelhorst/Parham, to pass:

Resolution No. 2014-032, A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE WITH THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSFORT, TENNESSEE; APPROVING AN AMENDMENT TO AN AGREEMENT WITH THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSFORT,

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TENNESSEE; AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE TERMS OF THE AMENDMENTS TO THE AGREEMENTS

Passed: All present voting "aye."

5. Consideration of a Resolution Authorizing the City of Kingsport to Sell Surplus Personal Computers from the City to the Friends and Neighbors Organization (AF: 222-2013).

Motion/Second: Clark/McIntire, to pass:

Resolution No. 2014-033, A RESOLUTION DECLARING CERTAIN PERSONAL COMPUTERS AS SURPLUS AND APPROVING THE SALE OF SUCH SURPLUS PERSONAL COMPUTERS TO FRIENDS AND NEIGHBORS, INC.

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS.

Appointments/Reappointments are considered under one motion.

Motion/Second: McIntire/Clark, to approve:

1. Consideration of Appointments to the Cattails Management Advisory Committee (AF: 220-2013).

Approve:

APPOINTMENTS OF MR. FRED WALLIN, MS. MARILYN MARTIN AND MS. JAN COMPTON TO SERVE ON THE **CATTAILS MANAGEMENT ADVISORY COMMITTEE**. ALL APPOINTMENTS ARE EFFECTIVE IMMEDIATELY AND EXPIRE AUGUST 6, 2016.

Passed: All present voting "aye."

VII. CONSENT AGENDA.

Motion/Second: Shupe/Parham, to adopt:

1. Consideration of a Budget Ordinance Appropriating Available Funds to SW1400 (AF: 195-2013).

Adopt:

Ordinance No. 6339, AN ORDINANCE TO AMEND THE SEWER PROJECT FUND BY TRANSFERRING FUNDS FOR THE REEDY CREEK TRUNK LINE FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE


Passed on second reading in a roll call vote: Clark, George, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

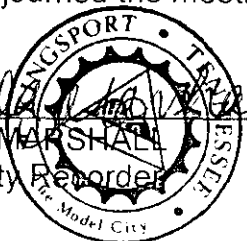
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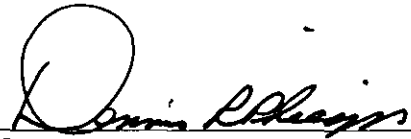
VIII. COMMUNICATIONS.

- A. CITY MANAGER.** Mr. Campbell stated on August 23 the DB band would be having a function to raise money for the Tournament of Roses event. He also had Chris McCartt provide details on the new operating hours at the Aquatic Center, as they have been adjusted to accommodate the school season.
- B. MAYOR AND BOARD MEMBERS.** Alderman George thanked the CVB for the presentation at the work session yesterday concerning youth sports. Alderman Segelhorst thanked Ms. Sherry Mosley from the DKA for the downtown tour today. He also pointed out that school was back in session and warned everyone to be careful of children. Alderman Clark recommended a post-flood discussion with city management. He also commented on the positive financial impact the CVB contributes to Kingsport. Alderman Parham commented on youth sports and the flood aftermath. Alderman McIntire gave details on the wonderful concert that coincided with the dedication event of the Allendale Amphitheater. Mayor Phillips noted the symphony is an important part of Kingsport. He also commented on the extensive damage many businesses incurred as a result of the flood, noting a relief fund has been set up through the DKA. The mayor also mentioned the Lo' Country Boil event will be this Saturday night at the Farmer's Market to benefit the Netherland Inn Association, encouraging citizens to attend.
- C. VISITORS.** Ms. Mary McNabb thanked the BMA for the action taken on the carousel land.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:00 p.m.


ANGELA MARSHALL
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor